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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SEAPOINT SHIPPING, LTD.,

Plaintiff,

vs.

OCEANCONNECT MARINE, INC., and,
MINERVA BUNKERING (USA) LLC,

Defendants.

Case No. 1:20-cv-6908 (JMF)

**DECLARATION OF PETER J. BEHMKE IN SUPPORT OF
OCEANCONNECT MARINE, INC.'S MOTION TO DISMISS**

I, PETER J. BEHMKE, declare as follows:

1. I am a partner at the law firm Herbert Smith Freehills New York LLP, counsel to OceanConnect Marine, Inc. ("OceanConnect") in this case. I am a member of the Bar of the State of New York and am admitted to practice before this Court. I submit this declaration in support of OceanConnect's Motion to Dismiss Counts One and Five of Seapoint Shipping, Ltd.'s

Verified Amended Complaint (ECF No. 23, the “Amended Complaint.”).

2. The facts and matters set out in this declaration are within my own knowledge. The contents of this statement are true to the best of my knowledge and belief. If called on to testify, I could and would testify to the facts set forth herein.

3. Attached hereto as **Exhibit A** is a true and correct copy of the Marine Fuel Confirmation (Reference No. 40025195) (the “Marine Fuel Confirmation”), with confidential price terms redacted, reflecting the terms of a sale of approximately 3,300mt of marine fuel to Athenian Sea Carriers Ltd. by OceanConnect for delivery to the vessel Captain X. Kyriakou on or about January 12, 2020 to January 14, 2020, as referenced in paragraphs 8, 9, and 29 of the Amended Complaint.

4. Attached hereto as **Exhibit B** is a true and correct copy of OceanConnect’s Standard Terms and Conditions of Sale dated February 2019, which are incorporated by reference into the Marine Fuel Confirmation.

I declare under penalty of perjury under the laws of the United States that the foregoing facts are true and correct.

DATED: November 13, 2020
New York, New York

/s/ Peter J. Behmke
Peter J. Behmke